

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:98:CR:72-01

v.

HON. GORDON J. QUIST

JOHN LILLY #09244-040,

Defendant.

MEMORANDUM REGARDING MOTION TO REDUCE SENTENCE

On April 26, 1999, this Court sentenced John Lilly to 240 months incarceration for distribution of cocaine to a person under 21 years old, distribution of cocaine, and establishment of a manufacturing operation. 21 U.S.C. §§ 859, 841(b)(1)(C), 856, and 841(a). On August 17, 2015, this Court denied Lilley's Motion for Sentence Reduction pursuant to 18 U.S.C. § 3582(c)(2) but, inexplicably, failed to file the reasons for the denial. The Sixth Circuit vacated the order denying Lilly's motion for reduction of sentence because of the failure to state the reasons, and remanded the matter back to this Court. This Memorandum explains why this Court denied the Motion for Sentence Reduction:¹

- Lilly's distribution of cocaine to a 13 year old girl was the proximate cause of the young girl's death. PSR ¶ 13 B.
- Lilly had sex on a fairly regular basis with the 13 year old girl and regularly supplied the young girl with illegal drugs. PSR ¶ 38.
- Lilly sexually penetrated the 13 year old girl shortly before she died. PSR ¶ 13 D.

¹This Court recognizes that the Sentence Modification Report was incorrect in stating Lilly's presumptive release date.

- Lilly admits having had fellatio with the 13 year old girl. PSR ¶ 46.
- When Lilly and his cohort, Edward Pease, brought the 13 year old to the hospital, they left her in the parking lot and did not bring her to the emergency room; the emergency room personnel had to go into the parking lot. PSR ¶¶ 13, 20, 30.
- Lilly has been documented with having brought drugs to at least seven children age 17 and younger and attempted to have sex with at least three of these children. PSR ¶ 27.
- Lilly never did take responsibility for his wrongful conduct. PSR ¶ 50.
- Lilly's aggravated assault conviction (PSR ¶ 77) included shooting a firearm at the 13 year old victim described above.
- Lilly repeatedly lied to the presentence report writer.
- As a juvenile in 1992, Lilly assaulted, from behind, his juvenile court officer just outside the courtroom and later made a threat to kill a probation officer.
- Lilly is a "high security inmate" at Coleman II U.S. Penitentiary, Coleman, Florida. He has disciplinary infractions, including Threatening Bodily Harm, Possessing Unauthorized Items, Refusing to Obey Orders, Destruction of Property, Misusing Medications, Destructive Conduct, and Possession of Intoxicants. U.S.S.G. § 1B1.10, App. Note 1(B)(ii), (iii).
- Lilly's chance of recidivism is extremely high, and the protection of society requires his continued incarceration. U.S.S.G. § 1B1.10.

Therefore, Lilly's motion for modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (ECF No. 60) is hereby **denied**.

Dated: June 15, 2016

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE